

REMARKS

Claims 5-22, 26-28, 30-32 and 37-39 are pending. No new matter has been added by way of the above amendments. For instance, claims 33-36 have been cancelled. Accordingly, no new matter has been added.

Additionally, Applicants respectfully submit that no new issues have been raised by way of the present submission which would require additional search and/or consideration on the part of the Examiner. By way of the present amendments, Applicants have simply cancelled claims.

In the event the present submission does not place the application into condition for allowance, entry thereof is requested as placing the application into better form for appeal.

Issues Under 35 U.S.C. §102(b)

The Examiner has rejected claim 33 under 35 U.S.C. §102(b) as being anticipated by Gokuraku et al. Applicants respectfully traverse this rejection and submit that claim 33 has been cancelled. Thus, this rejection is moot. Reconsideration and withdrawal thereof are respectfully requested.

Issues Under 35 U.S.C. §103(a)

The Examiner has rejected claims 34-36 under 35 U.S.C. §103(a) as being obvious over Gokuraku in view of Akzo Nobel. Applicants traverse and submit that claims 34-36 have been cancelled. Accordingly, this rejection is moot. Reconsideration and withdrawal are respectfully requested.

The Examiner has also rejected claims 22, 28, 33, and 37-39 under 35 U.S.C. §103(a) as being obvious over Raetzsch et al., in view of Gokuraku. The Examiner has further rejected claims 22, 28 and 30-39 under 35 U.S.C. §103(a) as being obvious over Raetzsch in view of Akzo Nobel.

Applicants respectfully traverse each of the above rejections.

Decisions Between the Present Invention and the Cited Art

Applicants respectfully submit the distinctions between the present invention and the invention of Raetzsch. For instance, as stated by the Examiner the preferred compositions of Raetzsch include 75-98% by weight of the unmodified propylene polymer and 2-25% by weight of modified propylene polymer. However, the claimed composition includes 1-50% by weight of the unmodified polypropylene (B3) and 50-99% by weight of the modified

polypropylene (A1). That is, the compositions of Raetzsch and the present invention have an inverse mixing ratio.

Thus, the composition of Raetzsch is clearly different from the composition (F1) of the invention in their mixing ratio.

The secondary references cited by the Examiner are unable to cure this deficiency of the Raetzsch reference. Thus, no *prima facie* case of obviousness exists. Moreover, even if one of ordinary skill in the art were to look to secondary references of either Gokuraku or Akzo Nobel, the present invention would not result.

That is, Applicants submit that the Examiner's combination of either Raetzsch with Gokuraku or Raetzsch with Akzo Nobel is not appropriate. Although both references relate to polypropylene materials, each has a required set of limitations and a desired set of properties. Since each reference discloses particular amounts or modifications to the propylene in order to obtain desired results, one of ordinary skill in the art would not be motivated to alter these, since such alteration would effectively destroy the teaching of the primary reference. Thus, the Examiner's continued reliance on the secondary references is improper. The Examiner is simply selecting the secondary references for the teaching of a

modified polypropylene, while ignoring the fact that this may defeat the entire purpose behind the primary reference of Raetzsch.

Thus, even if the Examiner were correct in the characterization of the Raetzsch reference, a point not conceded by Applicants, there still exists no *prima facie* case of obvious, since the combination of references is improper. Accordingly, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

In summary, Applicants submit that the rejected claims of 22, 28, 30-32 and 37-39, which remain pending, are in condition for allowance. Applicants also hereby reserve the right to request rejoinder of all process of making/method of use claims which include all limitations of the allowable product claims.

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Registration No. 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

Appl. No. 09/925,475

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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